

(i) The requirement under Reg. 19.104(B) for BART installation and operation as expeditiously as practicable, but no later than 5 years after EPA approval of the Arkansas Regional Haze State Implementation Plan is partially approved and partially disapproved, such that the partial approval is for the BART determinations we are approving and the partial disapproval is for the BART determinations we are disapproving;

(ii) The requirement under Reg. 19.1504(B) for BART installation and operation no later than 6 years after the effective date of the State regulation is disapproved;

(iii) Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) are disapproved;

(iv) The Reg. 19.1506 requirement to demonstrate compliance with the BART limits listed in Reg. 19.1505 (A)(1) and (2), (B), (C), (D)(1) and (2), (E), (F)(1) and (2), (G)(1) and (2), (H), (I)(1) and (2), (J)(1) and (2), (K), (L), (M)(1), and (N) is disapproved; and

(v) The remaining portions are approved.

[77 FR 14676, Mar. 12, 2012]

§§ 52.174–52.180 [Reserved]

§ 52.181 Significant deterioration of air quality.

(a) The plan submitted by the Governor of Arkansas as follows:

(1) April 23, 1981—submittal of the PSD Supplement Arkansas Plan of Implementation for Pollution Control (the “PSD Supplement”) submitted April 23, 1981 (as adopted by the Arkansas Commission on Pollution Control and Ecology (ACPCE) on April 10, 1981);

(2) June 3, 1988—submittal of revisions to the PSD Supplement (revised and adopted by the ACPCE on March 25, 1988);

(3) June 19, 1990—submittal of revisions to the PSD Supplement (revised and adopted by the ACPCE on May 25, 1990), and;

(4) March 5, 1999—submittal of Regulation 19, Chapter 9, Prevention of Significant Deterioration which recodified Arkansas’ PSD regulations (as adopted by the Arkansas Pollution Control and

Ecology Commission on January 22, 1999)

(b) The requirements of sections 160 through 165 of the Clean Air Act are not met for federally designated Indian lands. Therefore, the provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable implementation plan and are applicable to sources located on land under the control of Indian governing bodies.

[56 FR 20139, May 2, 1991, as amended at 63 FR 17683, Apr. 10, 1998; 63 FR 32981, June 17, 1998; 65 FR 61108, Oct. 16, 2000; 68 FR 11322, Mar. 10, 2003; 68 FR 74488, Dec. 24, 2003]

§ 52.183 Small business assistance program.

The Governor of Arkansas submitted on November 6, 1992, a plan revision to develop and implement a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM) to meet the requirements of section 507 of the Clean Air Act by November 15, 1994. The plan commits to provide technical and compliance assistance to small businesses, hire an Ombudsman to serve as an independent advocate for small businesses, and establish a Compliance Advisory Panel to advise the program and report to the EPA on the program’s effectiveness. On April 23, 1993, the Governor submitted Act 251 of 1993 which establishes the Compliance Advisory Panel for the PROGRAM.

[60 FR 12695, Mar. 8, 1995]

§ 52.184 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a) The owner and operator of each source and each unit located in the State of Arkansas and for which requirements are set forth under the TR NO_x Ozone Season Trading Program in subpart BBBBB of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Arkansas’ State Implementation Plan (SIP) as correcting the SIP’s deficiency

that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Arkansas' SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR NO_x Ozone Season allowances under subpart BBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_x Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48361, Aug. 8, 2011]

§ 52.200 Original identification of plan section.

(a) This section identifies the original "Arkansas Plan for Implementation for Air Pollution Control" and all revisions submitted by Arkansas that were federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A certification that the public hearings on the plan were held was submitted by the State Department of Pollution Control and Ecology on January 25, 1972. (Non-regulatory)

(2) State Department of Pollution Control and Ecology letter outlining projected emission reductions, ASA forecasts, source surveillance, legal authority and interstate cooperation was submitted on February 24, 1972. (Non-regulatory)

(3) Revision of section 16 of the State air code was submitted by the Department of Pollution Control and Ecology on July 7, 1972.

(4) June 27, 1975, letter from the Governor submitting sections 1 through 10 of the Regulations and Strategy of the Arkansas Plan of Implementation for Air Pollution Control except those por-

tions relating to delegation of authority to enforce Federal requirements.

(5) August 16, 1976, statement issued by Director of the Arkansas Department of Pollution Control and Ecology specifying the test and reference methods for determining compliance with emission limitations.

(6) Administrative changes to the Arkansas Air Quality Surveillance Network were submitted by the Arkansas Department of Pollution Control and Ecology on February 15, 1977, January 10, 1978, and March 27, 1978. (Non-regulatory.)

(7) On April 4, 1979, the Governor submitted the nonattainment area plan for the area designated nonattainment as of March 3, 1978.

(8) On August 14, 1979, the Governor submitted supplemental information clarifying the plan.

(9) Revisions to Arkansas Regulation 4.5(a) for the "Control of Volatile Organic Compounds" showing a final compliance date of June 1, 1981, was submitted by the Arkansas Governor on December 10, 1979.

(10) A modification to the definition for lowest achievable emission rate (LAER), consistent with the definition contained in section 171(3) of the Act, was submitted by the Arkansas Governor on December 10, 1979.

(11) On July 11, 1979, the Governor submitted revisions to section 6(a) malfunction or upset and section 7(e) continuous emission monitoring of the Arkansas Regulations.

(12) Revisions to section 3 (i.e., 3.(a), (b), (k), (l), (n), (o), (z), (bb), (dd), (ee), (ff), and (gg)), section 4 (i.e., 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and 4.6(d)), and section 5 (i.e., 5.4 and 5.5) were adopted by the Arkansas Commission on Pollution Control and Ecology on September 26, 1980 and submitted by the Governor on October 10, 1980.

(13) Revisions to section 3 (i.e., 3.(ii) through 3.(nn)), section 4 (i.e., 4.1, 4.5(a)(1), 4.5(a)(2), and 4.6(e)), and section 5 (i.e., 5.6) of the Arkansas Regulations for the Control of Volatile Organic Compounds were adopted by the Arkansas Commission on Pollution Control and Ecology on April 10, 1981 and submitted by the Governor on April 23, 1981.